

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENDLE RASHEN HAWKINS,

Defendant.

No. CR21-5213 RSM

ORDER CONTINUING TRIAL DATE

This matter is before the Court on the Court's own motion. On Friday, July 12, 2024, the government advised the Court that one of the attorneys for the government had been diagnosed with COVID-19. The other attorney for the government was prepared to try the case alone; however, that attorney—while not ill—had been exposed. Jurors had been summoned to appear for trial on Monday, July 15, 2024.

As a medical precaution, so as not to expose jurors and witnesses, who are mandated to be in court, to the virus, and to further protect the health of counsel and court staff, the Court determined that trial could not begin as scheduled on Monday, July 15, 2024. After consultation with counsel, and the government's consultation with its witnesses, as to their earliest possible availability, the Court continues the trial date in this matter to August 5, 2024.

1 THE COURT FINDS, pursuant to Title 18, United States Code, Section
2 3161(h)(7)(A), that the ends of justice served by taking such action outweigh the best
3 interest of the public and the defendant in a speedy trial. Specifically, pursuant to
4 pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(i), the failure to continue
5 the trial would make it impossible to conduct the trial, because counsel for the
6 government could not attend without potentially endangering the health of others
7 involved in the trial, and thus would result in a miscarriage of justice. Further, pursuant to
8 Section 3161(h)(7)(B)(iv), the failure to grant a continuance would unreasonably deny
9 the government continuity of counsel. The attorneys for the government have been
10 assigned to this case for more than three years and are fully prepared to go to trial, and
11 the health issue arose just a few days before trial. Requiring the government to assign
12 new attorneys at this would point would also deny that new counsel the reasonable time
13 necessary for effective preparation, as new counsel could not be expected to know the
14 case sufficiently to proceed to trial on only three days' notice. And, pursuant to Section
15 3161(h)(7)(B) generally, the interest in preserving the health of counsel for the
16 government, counsel for the defense, the court, the court staff, the witnesses, and the
17 jurors is weighty, and more than justifies the brief continuance contemplated here.

18 The Court also observes that the defendant filed a motion in limine which is still
19 under advisement, and the period from which the motion is filed through the Court's
20 prompt disposition of the same is an excluded period for purposes of calculating the time
21 during which trial must commence.

22 And the Court finally observes that this case has been continued many times on
23 the defendant's motion, resulting in a delay of about three years. A three-week
24 continuance to the soonest date on which all parties and witnesses are available in no way
25 prejudices the defendant in light of these previous motions to continue.

26 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date is continued
27 to August 5, 2024, at 9:00 a.m.

1 IT IS FURTHER ORDERED that the time between this date and the new trial date
2 is excluded in computing the time within which a trial must be held pursuant to Title 18,
3 United States Code, Section 3161, *et seq.*
4

5 IT IS SO ORDERED.
6

7 DATED this 15th day of July, 2024.
8
9

10
11 

12 RICARDO S. MARTINEZ
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27